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| 10/091,816      | 03/06/2002  | Scott Edward Klopfenstein | PU010195            | 8470             |

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EXAMINER

SALCE, JASON P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2611

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,816

Applicant(s)

KLOPFENSTEIN, SCOTT  
EDWARD

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. In view of the appeal brief filed on 4/9/04, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

After further consideration, the examiner agrees that Harada does not teach a specific graphical object, such as a cursor, slide bar, dial or pie object. Although Harada discloses a mouse in Figure 69 (element 271), there is no suggestion of a cursor. However, the examiner notes Bruette specifically discloses the use of a cursor in Figure 3, which is used to manipulate the level of detail of the program guide (see Figure 3(b) for viewing the current time or 4 hours ahead (+ 4.0 HRS)). Therefore a new rejection is provided below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, 10-11 and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Harada et al. (U.S. Patent No. 6,246,442).

Referring to claim 1, Harada discloses determining a program guide information level in response to user interaction with a graphical object (the EPG) indicative of said program guide information level (see Column 12, Lines 20-24 for a description of a user selecting a program guide detail degree, which represents a program guide information level).

Harada also discloses determining, in response to said program guide information level (detail degree), a program guide schedule length (see Column 13, Lines 43-53 and Column 14, Lines 51-55 and Figures 8-10 for determining a schedule length based upon the user selected detail degree).

Harada also discloses storing program guide data according to said program guide information level and said program guide schedule length (see Figure 7 and Column 14, Lines 3-15 for a storage unit for holding a layout correspondence table, which indicates the detail degree of the program guide and the schedule length (see dimensions for each cell according to the detail degree in Figure 7)). The examiner notes that by storing a layout table as shown in Figure 7, the system inherently stores the data according to the program guide information level (see "Detail Degree" column

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in Figure 7) and the program guide schedule length (see "Cell Layout Information" column in Figure 7 for a teaching of the size of each cell to be displayed by the program guide, which therefore dictates the program guide schedule length).

Referring to claim 3, Harada discloses that the schedule length is increased if the program guide level is decreased (see Figure 7 for the cell layout table and Figures 8-9 for the actual program guide displayed according to the cell layout table, where in Figure 9 if the second detail degree is selected the program guide is displayed with 6x6 cell layout size, and if the first detail degree is selected the program guide is displayed with an 8x6 cell layout size).

Referring to claim 4, see rejection of claim 3 and note that if a first detail degree program guide is displayed and then a second detail degree is selected, the program guide schedule length will decrease (opposite of the effect described in claim 3).

Referring to claim 5, Harada discloses that the program guide information comprises basic program information and extended program information (see Figure 5 for the detail correspondence table, which shows that a the program guide information contains basic program information in the first detail degree (start time, title, sub-title) and extended information beyond the basic information in the second, third and fourth detail degrees).

Referring to claim 6, Harada discloses that the program guide information level is defined as a percentage of program guide schedule length containing extended program information (see Figure 5, which discloses that the fourth detail degree (the highest percentage of extended information) contains the most extended program

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information, and the first detail degree (the lowest percentage of extended information) contains no extended program information).

Referring to claim 7, Harada discloses that the extended program information provides information regarding a program description (see Figure 5, second detail degree for a "Cast" description).

Referring to claim 10, see Figure 5 for a description of Advanced Program Guide information.

Referring to claim 11, see Figure 29 for a teaching of the program schedule comprising an earlier portion (7 o'clock on Channel 1) and a later portion (12 o'clock on Channel 1).

Referring to claim 20, see rejection of claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 8-9 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (U.S. Patent No. 6,246,442) in view of Bruette et al. (U.S. Patent No. 5,694,176).

Referring to claim 2, Harada fails to disclose that the graphical object comprises a cursor. Bruette discloses the use of a cursor in Figure 3, which is used to manipulate

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the level of detail of the program guide (see Figure 3(b) for viewing the current time or 4 hours ahead (+ 4.0 HRS)).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG of Harada, using the cursor, as taught by Bruette, for the purpose of allowing a user to specifically pick the option on the EPG, instead of forcing a user to navigate through multiple options to select a single option among a multitude of options.

Referring to claim 8, Harada teaches all of the limitations in claim 1, but fails to teach that the plurality of programs are broadcast from either satellite or terrestrial broadcasting center. Bruette teaches a satellite source (Column 2, Lines 62-65) for receiving audio, video and program guide information (see Column 2, Lines 59-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the computer system (Figure 69) for displaying the detail adjustable program guide, as taught by Harada, to utilize the satellite source, as taught by Bruette, for the purpose of accepting television signals from an outside source.

Referring to claim 9, see rejection of claim 8 and note that a satellite broadcast is a "live broadcast".

Referring to claim 12, Harada teaches all of the limitation in claim 11 and that a program object contains basic and extended program information, but fails to teach identifying a time reference of a program object. Bruette discloses identifying a reference time in Figure 3b for selecting a later portion of a program guide. At the time the invention was made it would have been obvious to a person of ordinary skill in the

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art to modify the program guide, as taught by Harada, using the time reference menu, as taught by Bruette, for the purpose of selecting an earlier or later portion of a program guide schedule. The examiner also takes Official Notice that it would have been obvious to remove extended program information at a later portion of the program schedule and stored in memory for the purpose of reducing the amount of memory needed to store several days worth of program guide information.

Claim 13 directly relates to claim 1, where Harada teaches all of the limitations regarding determining a schedule length according to a program information level. Harada continues to teach a memory for storing program guide information and a processor (see Figure 69), but fails to teach a tuner and a demodulator. Bruette teaches a similar program guide environment, which allows a user to customize a program guide according to specific times (See Figure 3(b)), and also teaches the tuner (element 12 in Figure 1) and demodulator (element 13 in Figure 1). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the computer system for implementing the detail degree program guide, as taught by Harada, using the tuner and demodulator, as taught by Bruette, for the purpose of allowing a user to select a program from the program guide and display the program to the user.

Claims 14-17, and 19 corresponds to claim 13, please see rejections of claims 2-5, and 10, respectively for a description of Harada disclosing these additional limitations.



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Claim 18 corresponds to claim 17, please see rejection of claim 6 for a description of Harada disclosing this additional limitation.


***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 12, 2004

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER